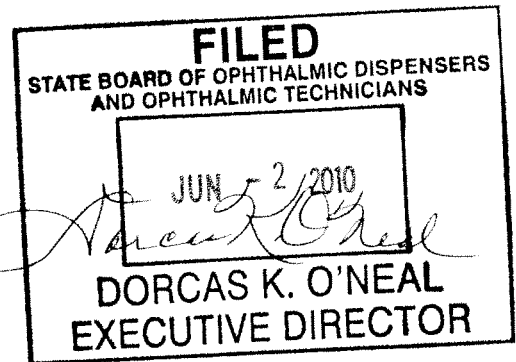


ORIGINAL

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STATE OF NEW JERSEY
 DEPARTMENT OF LAW AND PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 BOARD OF OPHTHALMIC DISPENSERS AND
 OPHTHALMIC TECHNICIANS

IN THE MATTER OF	:	
	:	ADMINISTRATIVE ACTION
PATRICIA VON SECKENDOFF	:	
	:	CONSENT ORDER
ENGAGING IN THE UNLICENSED	:	
PRACTICE OF OPHTHALMIC	:	
DISPENSING IN THE STATE OF	:	
NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon receipt of information which revealed that Patricia Von Seckendoff, (Respondent), the general manager of OPTICA, located at 1200 Morris Turnpike, Suite D229, Short Hills and Garden State Plaza, West State Route 4, Suite 114, Paramus, New Jersey, practiced ophthalmic dispensing without a license from February 2008 until November 2009. The investigation revealed

a probable violation of N.J.S.A. 52:17B-41.18.

Respondent appeared pro se before the Board on November 18, 2009 and testified that she has been the general manager of both OPTICA stores since February 2008, oversees daily operations, customer relations, coaching and sales development. She stated that she does not hold any professional or occupational license in any state. Respondent admitted that she has engaged in ophthalmic dispensing at OPTICA, that she knew that both stores operated many hours without a licensed ophthalmic dispenser, was cognizant that unlicensed individuals were engaging in ophthalmic dispensing at both stores, that the stores did not have required equipment and did not have a sign stating "no laboratory on premises." Respondent explained that she recently read the statutes and regulations pertaining to ophthalmic dispensing and is trying to correct the violations at both stores.

Having reviewed the entire record, including an inspection report from the Division of Consumer Affairs, Enforcement Bureau and respondent's testimony before the Board, the Board found that Respondent practiced ophthalmic dispensing without a license and permitted unlicensed individuals to practice ophthalmic dispensing. These facts establish a violation of N.J.S.A. 52:17B-41.18. It appearing that the parties desire to

resolve this matter without recourse to formal proceedings, respondent waiving any right to a hearing and for good cause shown,

IT IS ON THIS 25th DAY OF May, 2010
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall immediately cease and desist from engaging in, or holding herself out as engaging in, the practice of ophthalmic dispensing in the State of New Jersey unless and until she is licensed by the Board.

2. Respondent shall submit a business plan for OPTICA that ensures that each New Jersey employee of OPTICA who engages in the practice of ophthalmic dispensing has a current license to practice ophthalmic dispensing in New Jersey. The business plan shall be acknowledged by a corporate officer with power to bind the corporation and shall be submitted and implemented simultaneously with the signing of this Consent Order.

3. For a period of six (6) months following the entry of this Consent Order, respondent shall ensure that OPTICA submits a) a schedule for each premises listing the days of the week and hours that the premises is operating; and b) a daily schedule for each licensed ophthalmic dispenser, stating the hours and location where the ophthalmic dispenser is working. The schedule shall be submitted to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and


Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 no later than the 15th day of each month. The first schedule shall be submitted contemporaneously with the signing of the Consent Order. 4.

Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22 and 45:1-25, in the amount of \$10,000.00 for practicing as an ophthalmic dispenser without a license. Providing that respondent complies with all of the terms of the Consent Order, twenty five hundred dollars (\$2,500.00) of the civil penalty shall be stayed. The civil penalty shall be paid simultaneously with the signing of the within order. Payment shall be by certified check or money order made payable to the State of New Jersey and sent to Dorcas O'Neal, Executive Director, New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians, P.O. Box 45011, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

5. Failure to remit any payment as required by this Consent Order will result in the filing of a Certificate of Debt, and such collection and other proceedings as permitted by law.

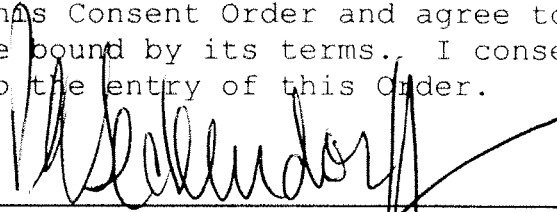
NEW JERSEY STATE BOARD OF OPHTHALMIC
DISPENSERS AND OPHTHALMIC TECHNICIANS

By: _____


Linda Cohen, President

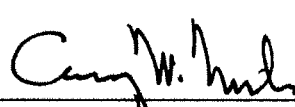
I have read and I understand

this Consent Order and agree to
be bound by its terms.. I consent
to the entry of this Order.



Patricia Von Seckendoff

Consent as to form and entry of this Order:



Cary W. Miller, Esq.
Hooper, Lundy & Bookman, Inc.
Attorney for Patricia Von Seckendoff